

FILED

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
2016 JUN 29 PM 2:42
SUPERIOR COURT DIVISION

WAKE COUNTY, C.S.C.

File No. 14CVS5928

STATE OF NORTH CAROLINA, *ex rel.*
ROY COOPER, Attorney General, *By*

Plaintiff,

v.

ORDER

FUQUAY COMPUTERS PROTECH
COMPUTERS, LLC d/b/a RALEIGH GEEKS;
TIMOTHY J. STAIE, JR. as manager of
RALEIGH GEEKS and d/b/a CAVEMAN
COMPUTERS; MARK EDWARD WHITE as
manager and member of RALEIGH GEEKS;
GARRETT J. FOSTER as manager and member
of FOSTERS COMPUTERS, LLC d/b/a
FUQUAY COMPUTER CENTER and
PROTECH COMPUTERS; STEVEN A. LEO
as owner and president of S&L TECH SYSTEMS,

Defendants.

THIS MATTER coming before Judge A. Graham Shirley presiding over the June 27, 2016 civil session of Wake County Superior Court upon the Court's May 20th Order to Show Cause directing defendants Timothy J. Staie, Jr. to appear and show cause, if any there be, why he should not be held in contempt of court for failing to abide by the terms and prohibitions imposed upon him in the Judgment by Default of June 8, 2015 permanently banning him from operating a computer repair business in North Carolina and ordering defendants to pay certain amounts in restitution and civil penalties. Assistant Attorney General Matt Liles appearing on behalf of the plaintiff State of North Carolina at the appointed time for the show cause hearing and no one appearing on behalf of defendant Staie after due attempts of notification. The Court having taken judicial notice of the orders already entered in this cause and having reviewed the affidavits of Corporal Roy P. Duque and Daphne B. Little, as well as arguments of counsel, finds as follows:

FINDINGS OF FACT

1. On May 6, 2014, the State filed the Complaint in this action. On May 23, 2014, defendant Staie was personally served with the Summons and Complaint by the Harnett County Sherriff.

2. Defendant Staie has never appeared in this action.

3. On June 8, 2015, Judge Michael O’Foghludha entered the Judgment by Default which, amongst other things, ordered defendant Staie to:

- a. permanently refrain from “advertising, offering or entering into contracts to provide computer repair services in North Carolina;”
- b. permanently refrain from “soliciting or accepting deposits or payments from customers for any computer repair service;”
- c. pay restitution to victims of \$10,425.53; and
- d. pay a civil penalty of \$445,000.

4. The Judgment by Default remains in force.

5. Based on the Affidavit of Daphne B. Little, it is established that defendants have not made any payment to the State related to the Judgment by Default, nor does the State have any information that any restitution has been to victims.

6. “Wilmington Geeks” is the name of an electronics repair store located at 1055 South College Road in Wilmington, North Carolina. Based on the Affidavit of Daphne Little, Wilmington Geeks, via its website offers “computer repair,” “iPhone repair,” “iPad repair,” and “iPod repair.”

7. Based on the Duque Affidavit, defendant Staie has worked at Wilmington Geeks as recently as May 12, 2016. The Duque Affidavit established that on May 12, 2016 defendant

Staie was helping customers at Wilmington Geeks, including telling Corporal Duque that he could repair a broken iPad 2. A photograph attached to the Duque Affidavit shows the person that Corporal Duque identified as defendant Staie behind the register at the Wilmington Geeks location. The Duque Affidavit establishes that defendant Staie has recently been employed and is physically capable of holding a retail job.

8. Based on the Little Affidavit, and the consumer complaints produced therewith, the North Carolina Department of Justice has received at least two consumer complaints against Wilmington Geeks for various customer service reasons.

9. Based on the record in this case, the State has made due attempts to notify defendant Staie at numerous points in this action, including serving defendant Staie with the Order to Show Cause and Notice of this Hearing in accordance with Rule 5 of the North Carolina Rules of Civil Procedure.

10. Defendant Staie has failed to appear and provide any evidence refuting that he worked at Wilmington Geeks or refuting that he has the present ability to pay some reasonable portion of the moneys owed pursuant to the Judgment by Default.

CONCLUSIONS OF LAW

11. The Court has subject matter jurisdiction in this matter and authority to enter the orders set forth below.

12. Defendant Staie has willfully and knowingly violated the previous orders of this Court, including but not limited to, the Judgment by Default.

13. Defendant Timothy J. Staie, Jr. is in willful civil contempt of Court.

14. Defendant Timothy J. Staie, Jr. has the ability to comply, in whole or in part, with the orders of this Court, including those ordered herein.

IT IS THEREFORE ORDERED that defendant Staie, having been found in willful civil contempt of Court, be remanded into the custody of the Sheriff of Wake County and detained until such time as demonstrates to the Court that he does not have the present ability to comply with the order of the Court as set forth in the Judgment by Default or until he purges himself of contempt by:

- 1) ceasing any computer or electronics repair business in North Carolina, as evidenced by a sworn statement to the Court confirming as much to be true;
- 2) paying into the Clerk of Court the \$10,425.53 in restitution payments ordered in the Judgment by Default or confirming that such payments have been made to the consumers identified in the Judgment by Default; and
- 3) paying the \$445,000 in civil penalties to the State or making arrangements suitable to the Court to make such payments as defendant is reasonably able to pay at this time.

The total sum of \$10,425.53 in restitution payments and any funds to be paid to the State for civil penalties shall be disbursed by the Clerk to these individuals following receipt from defendant and appropriate processing.

SO ORDERED, this the ²⁹ day of June, 2016.



THE HONORABLE A. GRAHAM SHIRLEY
RESIDENT SUPERIOR COURT JUDGE